

**INFORMATION DISCLOSURE
CITATION**

Attorney Docket 045636-5056-US

Application 10/088,657

(Use several sheets if necessary)

Applicants: **Alexandra Gruss *et al.***

Page 1 of 1

PTO Form 1449

Filing Date: **March 20, 2002**

(Intern'l. Filing Date:

September 20, 2000)

Group Art Unit: **To Be
Determined**

U.S. PATENT DOCUMENTS

Initial		Document No.	Date	Name	Class	Sub-Class	Filing Date
	A	5,486,367	1/23/96	D. Fung	426	7	4/19/94

FOREIGN PATENT DOCUMENTS

		Document No.	Date	Country	Class	Sub-Class	Translation
	B	EP 0 111 392 A2	6/20/84	Europe			

OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, etc.)

	C	Sijpesteijn, A., Induction of Cytochrome Formation and Stimulation of Oxidative Dissimilation by Hemin in <i>Streptococcus lactis</i> and <i>Leuconostoc mesenteroides</i> , <i>Antonie van Leeuwenhoek</i> , 36: 335-348 (1970), Kluwer Academic Publishers, Netherlands.
	D	Dailey <i>et al.</i> , Expression of a Cloned Protoporphyrinogen Oxidase, <i>JBC</i> 269(2): 813-815 (1994), American Society for Biochemistry and Molecular Biology, Baltimore, MD, USA.
	E	Knauf <i>et al.</i> , Cloning, Sequence, and Phenotypic Expression of <i>kata</i> , which Encodes the Catalase of <i>Lactobacillus sake</i> LTH677, <i>Appl. Environ. Micro.</i> 58(3): 832-839 (1992), American Society for Microbiology, Washington, DC, USA.
	F	Luesink <i>et al.</i> , Transcriptional Activation of the Glycolytic <i>las</i> operon and catabolite repression of the <i>gal</i> operon in <i>Lactococcus lactis</i> are mediated by the catabolite control protein CcpA, <i>Mol. Micro.</i> 30(4): 789-798 (November 1998), Blackwell Science Ltd., Malden, ME, USA.
	G	Lopez de Felipe <i>et al.</i> , Cofactor Engineering: A Novel Approach to Metabolic Engineering in <i>Lactococcus lactis</i> by Controlled Expression of NADH Oxidase, <i>J. Bacter.</i> 180(15): 3804-3808 (August 1998), American Society for Microbiology, Washington, DC, USA.

Examiner

Date Considered

Examiner: Initial if reference considered, whether or not citation is in conformance with MPEP 609; draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

DT05 Rec'd PCT/PTO 07 NOV 2002

PATENT

Attorney Docket 045636-5056



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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: **Alexandra Gruss et al.**)

Application No. **10/088,657**)

Art Unit: **To be determined**

Date of National Stage Entry: **March 20, 2002**)

Examiner: **To be determined**

International Filing Date: **September 20, 2000**)

For: **Lactic Acid Bacteria Transformed To Be**)
Provided With Respiratory Metabolism)

Commissioner for Patents
Washington, D.C. 20231

INFORMATION DISCLOSURE STATEMENT UNDER 37 C.F.R. § 1.97(b)

Pursuant to 37 C.F.R. § 1.56 and § 1.97(b), Applicants bring to the attention of the Examiner the documents listed on the attached PTO-1449. This Information Disclosure Statement is being filed, to the best of the undersigned's knowledge, before the mailing date of a first Office Action on the merits for the above-referenced application. Accordingly, Applicants do not believe that a fee is due with the filing of this paper.

Copies of the listed documents are attached. Also attached is a copy of the International Preliminary Examination Report which is in French.

Applicants respectfully request that the Examiner consider the listed documents and evidence that consideration by making appropriate notations on the attached form. This submission does not represent that a search has been made or that no better art exists and does not constitute an admission that each or all of the listed documents are material or constitute prior art. If the Examiner applies any one of the documents as prior art against any claim in the application, and Applicants determine that the cited document does not constitute prior art under United States law, Applicants reserve the right to present to the office the relevant facts and law regarding the appropriate status of such document.

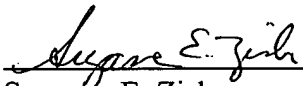
Applicants further reserve the right to take appropriate action to establish the patentability of the disclosed invention over the listed documents, should one or more of the documents be

applied against the claims of the present application.

Except for issue fees payable under 37 C.F.R. § 1.18, the Commissioner is hereby authorized by this paper to charge any additional fees during the entire pendency of this application including fees due under 37 C.F.R. § 1.16 and § 1.17 which may be required, including any required extension of time fees, or credit any overpayment to Deposit Account No. 50-0310. This paragraph is intended to be a **constructive petition for extension of time** in accordance with 37 C.F.R. § 1.136(a)(3).

Dated: **November 7, 2002**
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Respectfully submitted,
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